



**DISTRICT ATTORNEY  
KINGS COUNTY**  
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**Eric Gonzalez**  
District Attorney

**[INSERT NAME]**  
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]  
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

**MOS NAME:** **THOMAS TAVERNA**

**MOS TAX:** **955566**

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. In addition to any information provided below, disciplinary information regarding this officer may exist online at the following websites: <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>, <https://nypdonline.org/link/13>, and <https://www.50-a.org>. The People make no representation regarding the accuracy of any information contained on these websites. In addition, the People have provided all lawsuits known to the People through NYPD documents, the NYC Law Department's public website of civil suits filed against officers (<https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page>), and orally relayed to the People by officers. Please note that additional cases may or may not exist on the following public websites: <https://pacer.uscourts.gov/> <https://apps.courts.state.ny.us/webcivil/FCASMain>; and <https://apps.courts.state.ny.us/nyscef/Login>. The People reserve the right to object to the use or introduction of any or all disclosures provided below and any other potential impeachment information.

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**Disclosure # 1:**

On March 14, 2019, Judge Alan Beckoff, of Kings County Family Court, issued an oral decision in a combined Dunaway/Huntley/Mapp suppression hearing under docket D-08928-18. While suppressing the evidence at issue, the Court, in discussing the testimony of both Officer Philip Tantillo (955560) and Officer Thomas Taverna (955566) regarding their mutual observations of an unilluminated license plate as the basis for a car stop, stated, "They both testified to something that I think is really just not credible and it seems like the testimony was almost literally tailored to overcome any objection here."

A redacted copy of the March 14, 2019 court minutes are attached below.

**Disclosure # 2:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS AGAINST MOS TAVERNA DATED 05/29/2018:

1. INVOICE DISCREPANCY - LAB - CONTROLLED SUBSTANCE
2. REPORT INCOMPLETE/ INACCURATE - PROPERTY CLERK INVOICE

CASE STATUS: CLOSED ON 06/07/2018

**Disclosure # 3:**

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT.

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
Omar Harry	15-CV-5871	E.D.N.Y.	10-13-15	7-20-16	Settlement, without admission of fault or

				liability
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**BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH MAY 7<sup>TH</sup>, 2021, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:**

**Disclosure # 3:**

CCRB CASE: 201903672

REPORT DATE: 04/30/19

INCIDENT DATE: 04/17/19

SUBSTANTIATED CCRB ALLEGATION(S):

1. ABUSE—FAILURE TO PROVIDE RIGHT TO KNOW ACT CARD  
NYPD DISPOSITION: COMMAND LEVEL INSTRUCTIONS

**Disclosure # 4 (PENDING):**

CCRB CASE: 202006422

REPORT DATE: 09/21/2020

INCIDENT DATE: 09/15/2020

PENDING CCRB ALLEGATION(S):

1. Abuse - Threat of arrest
2. Abuse - Vehicle stop

Eric Gonzalez  
District Attorney  
Kings County

SEE ATTACHMENT BELOW.



1 FAMILY COURT OF THE STATE OF NEW YORK  
2 CITY OF NEW YORK: COUNTY OF KINGS  
3  
4 In the Matter of : -x  
5 [REDACTED] :  
6 A Person Alleged to be a Juvenile : Docket N  
7 Delinquent. : D-08928-  
8  
9 330 Jay Street  
10 Brooklyn, New York 11201  
11  
12 B E F O R E : March 14, 2019 - Part 2  
13 THE HONORABLE ALAN BECKOFF, PRESIDI  
14  
15 A P P E A R A N C E S :  
16 ASHLEIGH BALLIS, ESQ.  
17 Assistant Corporation Counsel  
18 For the Presentment Agency  
19  
20 ALSO A P P E A R I N G :  
21 [REDACTED], Respondent  
22 [REDACTED], Respondent's Mother  
23 [REDACTED], Respondent's Grandmothe  
24 [REDACTED], CLO-Probation  
25

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1                   THE COURT OFFICER: On the record. Calling  
2                   number one in the matter of [REDACTED]. Counsel.

3                   MS. BALLIS: For the Presentment Agency,  
4                   Assistant Corporation Counsel Ashleigh Ballis. Good  
5                   morning, your Honor.

6                   THE COURT: Morning.

7                   MS. MASCO: The Legal Aid Society by Lori  
8                   Masco for [REDACTED]. Good morning.

9                   THE COURT: Morning.

10                  MR. SEMS: For [REDACTED], the Legal  
11                  Aid Society by Eli Sems appearing pursuant to the  
12                  Student Practice order under the supervision of Lori  
13                  Masco. Good morning, your Honor.

14                  THE COURT: Morning.

15                  THE COURT OFFICER: Name and age.

16                  THE RESPONDENT: [REDACTED], 15.

17                  THE COURT OFFICER: Ma'am, name and  
18                  relationship.

19                  THE RESPONDENT'S MOTHER: [REDACTED]

20                  I'm his mother.

21                  THE RESPONDENT'S GRANDMOTHER: [REDACTED]  
22                  I'm his grandmother.

23                  THE COURT OFFICER: You may all be seated.

24                  THE COURT: Good morning. All right. So  
25                  we're on today for decision on the suppression hearing

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1 here and I just want to say, first of all, this hearing  
2 obviously took a lot longer than everybody anticipated.  
3 We started in November. We had some lost days either  
4 from illness or some scheduling issues, but I just want  
5 to say that I think both counsel handled this case  
6 pretty diligently, professionally and I just want to  
7 put that out there because judges complain a lot how  
8 lawyers behave themselves. I think it should be  
9 mentioned when they do a good thorough job.

10 I also want to thank counsel for their very  
11 thorough summations, their written summations, and case  
12 law that was provided. I went through this with the  
13 assistance of Ms. Carson, went through the transcripts,  
14 the cases, summations, I went over my handwritten notes  
15 again and endorsements and we had the testimony of  
16 police officers Taverna, T-A-V-E-R-N-A, and Tantillo  
17 and Police Officer Woorderd and Detective Castro.

18 So this was a combined Dunaway, Mapp and  
19 Huntley hearing and basically the legal standard is  
20 that -- on the Dunaway/Mapp anyway, is that the  
21 Presentment Agency has the initial burden of going  
22 forward to show the legality of the police conduct and  
23 the respondent then has to show unlawfulness of this  
24 conduct by a preponderance of the evidence and the  
25 Huntley hearing requires the Presentment Agency to show

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1       that there was a waiver of rights and any statement  
2       made was made knowingly, voluntarily, intelligently and  
3       that burden is beyond a reasonable doubt.

4              After reviewing all the testimony and the  
5       evidence and the case law here, it is this Court's  
6       determination that the Presentment Agency has not met  
7       its burden really of going forward and even if they  
8       did, the Respondent definitely met their burden of  
9       showing the unlawfulness of the police conduct by a  
10       preponderance of the evidence. The Presentment Agency  
11       has also not met its burden of establishing that the  
12       Respondent's statements were made knowingly,  
13       voluntarily, intelligently beyond a reasonable doubt.

14             So I just want to explain how I reached this  
15       conclusion. On the car stop. This whole thing started  
16       with the car stop. This is the Dunaway issue the  
17       legality of the car stop. The main cases on this --  
18       well, anyway, the New York case is People v. Robinson,  
19       97 N.Y.2d 341. On that case the Court of Appeals  
20       basically adopted the standard that the U.S. Supreme  
21       Court said in Whren v. United States, 517 U.S. 806  
22       which was that -- same in both cases, but New York  
23       State adopted the standard set by the U.S. Supreme  
24       Court. There was probable cause to detain a person  
25       temporarily for a traffic violation even if the

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1           underlying reason for the traffic stop was to  
2           investigate something else. The primary motivation of  
3           the officer or determination of what the reasonable  
4           officer would have done is irrelevant and that's true.  
5           That's the standard.

6           Overriding all that is the witnesses'  
7           credibility, the police officer's credibility, which is  
8           something that the court has to be satisfied about and  
9           in this case this whole thing started with the police  
10          officers Taverna and Tantillo saying that they stopped  
11          the car that the Respondent was a passenger in for a  
12          traffic infraction and after reviewing everything again  
13          this Court is not satisfied that the police officers  
14          actually saw or were in a position to see what they  
15          said they saw which is that the rear license plate in  
16          this car was not illuminated which is a violation of  
17          the vehicle and traffic law and there's no dispute  
18          that's a violation of the vehicle and traffic law.

19          What happened here is that Officer Taverna  
20          and Officer Tantillo were driving westbound and the car  
21          that the Respondent was in was driving eastbound. Both  
22          officers testified that they saw -- after the car had  
23          passed them. So these cars are driving in the opposite  
24          direction and after the car had passed them, they saw  
25          that the rear license plate of the car that passed

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1       them, which is now at this point a block passed them,  
2       had its rear license plate not illuminated and they did  
3       a U-turn and then pulled the car over. I'm really not  
4       convinced that they actually were able to see this rear  
5       license plate was not illuminated and I'm not even sure  
6       that the rear license plate was not illuminated in the  
7       first place. There was a photograph that was placed  
8       into evidence that to me showed that perhaps one of the  
9       bulbs on the license plate was actually on and it was  
10      the headlights of another car illuminating the license  
11      plate and Officer Tantillo -- I think it was him, but I  
12      can't remember which one -- basically conceded that the  
13      photograph was taken not so much to show that the  
14      license plate was actually not illuminated just to kind  
15      of document the car they stopped.

16           So, again, I find it very difficult to  
17      believe that they actually saw this and I find it even  
18      harder to believe that they both independently saw  
19      this. Officer Taverna said he turned around and  
20      saw it. Officer Tantillo said he saw it in the  
21      rearview mirror or driver's side mirror. Two cars in  
22      motion going in opposite directions and after they pass  
23      each other he turns around and says he sees this and  
24      something in Ms. Masco's summation struck me and I went  
25      back and double checked on this. They both

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1       independently said this. It's not as if one said to  
2       the other, "Hey, did you see that license plate is not  
3       illuminated?" They both testified to something that I  
4       think is really just not credible and it seems like the  
5       testimony was almost literally tailored to overcome any  
6       objection here.

7           A lot of the cases that were submitted on car  
8       stops are very very fact specific and it's interesting  
9       that one case is almost on point factually. It was a  
10      case that came out of the Justice Court in Monroe  
11      County -- not that I'm obviously bound by that  
12      decision -- but it just gave me some way to think  
13      through how these police officers could have observed  
14      this because that case also involved an unilluminated  
15      license plate. A lot of the other cases on car stops  
16      involve traffic infractions which are kind of  
17      undisputed that a police officer can see you going  
18      through a red light, making an illegal turn, something  
19      like that. This is something that requires really  
20      close observation. In the People v. Lang case there  
21      was a traffic stop based upon a claim of an  
22      unilluminated license plate, violation of vehicle and  
23      traffic law, and also in that case the cars were  
24      travelling in opposite directions and the court in that  
25      case found that it was not credible that the police

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1 officer could have seen the unilluminated license plate  
2 from the position he was in. There was a lot of  
3 testimony there about how far the cars were from each  
4 other, the size of the car, all kind of information  
5 like that. We didn't get into that much detail here,  
6 but the factual issue here remains the same which is  
7 how good of a look could these police officers really  
8 have gotten of this license plate and I don't think  
9 they really got a very good look if they got a good  
10 look at it at all.

11 There was an issue raised and, again, I'm not  
12 deciding this really beyond a reasonable doubt. The  
13 issue raised was whether or not the police officers  
14 actually even saw [REDACTED] get into the car before they  
15 even stopped it and whether or not the whole stop was  
16 based on something else. So even reading Robinson  
17 again what the police are thinking really is not the  
18 point. So I really don't have to get into that deeply.  
19 Again, I'm really not convinced they saw the  
20 unilluminated license plate. Also, my thought on this  
21 was also kind of just by their conduct with the driver  
22 which I'm going to get to in a minute.

23 So let me get to the driver here. This is a  
24 car that turned out to be supposedly an unlicensed  
25 livery cab with out-of-state plates. So the driver of

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1       the car is operating supposedly an unlicensed livery  
2       cab with out-of-state plates, but the police had no  
3       intention of even ticketing him. They didn't even have  
4       a ticket book with them. Then after they find the gun  
5       in the car -- you know, the gun is found on [REDACTED]. No  
6       dispute the gun was found on [REDACTED]. So they find this  
7       gun and instead of basically hauling everybody down to  
8       the station house to sort this out, you know, why is  
9       this gentleman from Pennsylvania driving around with  
10      somebody in his car with a gun on him, they just kind  
11      of warn him like "Oh, sir, you know, you have your  
12      license plate not illuminated" and they let him go and  
13      I just found this did not jive with the whole situation  
14      of stopping the car and then finding a gun and then  
15      just letting off the driver with some kind of warning  
16      without writing him a ticket, without pursuing further  
17      whether or not he or anybody else in the car was  
18      involved with this gun and any other contraband that  
19      was found in the car.

20           So this comes back to me again on the  
21      credibility of the police officers on this whole stop  
22      and search. The frisk and pat down of [REDACTED] I  
23      also found a little bit questionable. There was a lot  
24      of testimony about how they pulled the car over, they  
25      saw a lot of movement by [REDACTED] or somebody who was in

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1           the rear seat passenger anyway, shoulders being moved,  
2           body movement and Officer Taverna talked about through  
3           a closed car window with his flashlight seeing this  
4           bulge. I'm really not convinced he was actually able  
5           to see it that way. I don't think he was really able  
6           to see anything until he actually opened the car door  
7           and I have to wonder again about, you know, this bulge.  
8           There was a lot of testimony about, you know, the bulge  
9           in the pants and everybody had something to say about  
10          it, but there was also testimony about [REDACTED] wearing a  
11          jacket and why would he pull up the jacket to put the  
12          gun in his pants when he could just put it in the  
13          jacket. Again, it was just way too much questions for  
14          me about what this police officer was able to see in  
15          terms of any kind of bulge from [REDACTED]'s person.

16           So, again, you start with the car stop. We  
17          get into the gun and then everything falls from the car  
18          stop which now brings us to the statements that [REDACTED]  
19          made. So he's at the station house and they notify his  
20          mother. It's about two o'clock in the morning.  
21          [REDACTED]'s mother comes in and she says, "Can I talk to  
22          my son?" He's being held in the juvenile room. Both  
23          officers said, "Yes, you could talk to him, but don't  
24          yell at him and don't make a scene. So they go with  
25          her in the juvenile room and she basically starts

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1       questioning him. They don't stop her. They don't take  
2       her out. They don't leave them alone. They don't step  
3       out. So basically after telling her don't make a scene  
4       they also have him make a whole statement to his mother  
5       in their present. This really is not the way to go  
6       certainly for juveniles being held in the juvenile room  
7       for their parents. They should be given some measure  
8       of privacy and they already told the mother don't say  
9       anything, don't yell at him, but they don't leave her  
10      alone when she starts questioning him.

11           So now it's several hours later. She goes  
12      home. It's several hours later. He's Mirandized by  
13      Detective Castro. You saw the video on that. The  
14      Miranda warning was basically the juvenile version or  
15      simplified version. So he's Mirandized and makes  
16      another statement. As far as I'm concerned, there's no  
17      attenuation here. By this point the damage has been  
18      done and everything is tainted. The first statement,  
19      the time of the first statement, second statement, I  
20      don't think washes this clean. I think even though he  
21      was Mirandized and made a statement, going back to the  
22      car stop and everything that flowed from the car stop I  
23      find just really all requires suppression.

24           So I've already said that the Presentment  
25      Agency has not met its burden here. So I'm granting

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1           the Respondent's motion to suppress the physical  
2           evidence that was seized, suppress any of the  
3           statements that he made as an unlawful stop and that's  
4           my decision here. I leave it to the Presentment Agency  
5           how it wants to proceed on this case now. That's my  
6           finding on the suppression motion.

7           MS. BALLIS: So, your Honor, I would just ask  
8           for an adjournment for a conference date for myself and  
9           my office to review the evidence of the Court's ruling.

10           THE COURT: That's fine, but I'd like to keep  
11           it to a short date some time within the next couple  
12           weeks or so if we can. This case has been dragged out.  
13           Again, I'm not blaming anybody for dragging it out.  
14           I'll give your office time to review what it wants to  
15           do here and come back here I hope within the next  
16           couple of weeks and have another conference on this.  
17           That's fine. Come back maybe the week of the 25th or  
18           really no later than April 1 or 2 something like  
19           that.

20           MS. BALLIS: If it's the week of the 25 I  
21           would just ask for later in the week.

22           THE COURT: That's fine. Thursday the 28th  
23           is not a good day for me. Friday the 29th I have no  
24           time and then April 1 or 2.

25           MS. BALLIS: Could we do April 1 or 2?

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1                   THE COURT: Your client's mother any day  
2 better?

3                   MS. MASCO: Either one.

4                   THE COURT: The second at either 10:30 or 12  
5 o'clock.

6                   MS. BALLIS: Either one is fine.

7                   MS. MASCO: Either one is fine for me.

8                   THE COURT: 10:30 on the 2nd.

9                   MS. BALLIS: And also in terms of the  
10 timeframe here I know it's always been agreed by Ms.  
11 Masco that there would be a waiver of whatever day was  
12 scheduled for fact-finding would then be deemed day 60.  
13 I just want to confirm that is the same since we're  
14 adjourning for conference.

15                  MS. MASCO: Yes.

16                  THE COURT: Okay. April 2 at 10:30.

17                  MS. BALLIS: Thank you.

18                  THE COURT: Thank you, everybody.

19                  MS. MASCO: Thank you.

20                  THE RESPONDENT: Thank you.

21                  (Proceedings concluded.)

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23

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25

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C E R T I F I C A T E

I , STACEY E. DIMEGLIO, do hereby certify that  
the foregoing is a true and accurate transcript of  
the proceedings held in the above matter.

*Stacey DiMeglio, CSR*  
STACEY E. DIMEGLIO, C.S.R.

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